

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

HERMON-TAYLOR et al.

Serial No. 10/805,311

Filed: March 22, 2004

Title: NOVEL POLYNUCLEOTIDES AND POLYPEPTIDES IN PATHOGENIC MYCOBACTERIA AND THEIR USE AS DIAGNOSTICS, VACCINES AND TARGETS FOR CHEMOTHERAPY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450Atty Dkt. 117-501  
C# M#

C/A.U. 1645

Examiner: Zeman

Date: April 29, 2005

## ATTACHED:

- (1) Response;  
(2) copy of Office Action & Notice to Comply dated April 20, 2005;  
(3) Copy of Request of March 22, 2004 from IFW of USPTO PAIR; and  
(4) copy of MPEP § 2422.05 from USPTO web site

Sir:

**RESPONSE/AMENDMENT/LETTER**

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☒ **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**

Total effective claims after amendment	0	minus highest number	
previously paid for	20	(at least 20) =	0 x \$50.00
			\$0.00 (1202)/\$0.00 (2202) \$

Independent claims after amendment	0	minus highest number	
previously paid for	3	(at least 3) =	0 x \$200.00
			\$0.00 (1201)/\$0.00 (2201) \$

If proper multiple dependent claims now added for first time, (ignore improper); add  
\$360.00 (1051)/\$180.00 (2051) \$

Petition is hereby made to extend the current due date so as to cover the filing date of this  
paper and attachment(s)  
One Month Extension \$120.00 (1251)/\$60.00 (2251)  
Two Month Extensions \$450.00 (1252)/\$225.00 (2252)  
Three Month Extensions \$1020.00 (1253)/\$510.00 (2253)  
Four Month Extensions \$1590.00 (1254)/\$795.00 (2254) \$

Terminal disclaimer enclosed, add  
\$130.00 (1814)/\$65.00 (2814) \$

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee  
\$180.00 (1806) \$

Assignment Recording Fee  
\$40.00 (8021) \$

Other: \$

**TOTAL FEE ENCLOSED \$ 0.00**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application, by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8<sup>th</sup> Floor  
Arlington, Virginia 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100  
BJS:

NIXON & VANDERHYE P.C.  
By Atty: B. J. Sadoff, Reg. No. 36,663

Signature: 



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

HERMON-TAYLOR et al.

Atty. Ref.: 117-501; Confirmation No. 9576

Appl. No. 10/805,311

TC/A.U. 1645

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For: NOVEL POLYNUCLEOTIDES AND POLYPEPTIDES IN PATHOGENIC  
MYCOBACTERIA AND THEIR USE AS DIAGNOSTICS, VACCINES AND  
TARGETS FOR CHEMOTHERAPY

\* \* \* \* \*

April 29, 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE**

Responsive to the Official Action dated April 20, 2005 (copy attached) and accompanying Notice to Comply (copy attached), the Examiner is requested to see the attached copy of the undersigned's Request of March 22, 2004 (printed from the USPTO IFW), that the computer readable copy of the present application and the computer readable copy of the Sequence Listing filed November 6, 2000 in the parent application Serial No. 09/705,911 are the same; that the paper copy attached to the filing of this application on March 22, 2004 is the same as these computer readable copies; that the Office is requested to use the noted computer readable copy of the Sequence Listing from the parent application for this application; and that no new matter had been added.

The Examiner is also requested to see the attached copy of MPEP 2422.05 wherein the Patent Office indicates that when the applicants request the use of a computer readable copy of a Sequence Listing from a prior application, as is the case in the present application,

“It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the instant application.”

As the only requirement of the Notice to Comply of April 20, 2005 (copy attached) appears to be that which MPEP § 2422.05 states will be done by the Patent Office, nothing further should be required.

The Examiner is requested to contact the undersigned however in the event the requirement of the attached Notice and/or the MPEP have been misunderstood by the undersigned.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



B. J. Sadoff  
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